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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,402	10/24/2000	Kurt Jonach	80398.P364	3658

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EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/696,402

Applicant(s)

Sato et al.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 11/13/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 20-77 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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## DETAILED ACTION

### *Request for Continued Examination (RCE)*

1. The request filed on November 11, 2001 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 09/696,402 is acceptable and a RCE has been established. An action on the RCE follows.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swenton-Wall et al. (US Patent No. 6,590,586 B1) in view of Ouellet et al. (US Patent No. 6,363,052 B1).

Regarding claim 20, Swenton-Wall discloses a computerized apparatus for viewing images comprising: a set of files [... the slides may be manipulated on a simulated on a table by placing the slides in a simulated slide carousel...see abstract]; and means for connecting the dial to the set of files wherein by manipulating the dial through rotations, the set of files can be sequentially displayed [...the digital carousel facilities sequencing of images for presentation by reordering slides.. see col. 2, lines 1-15; however, Swenton-Wall fails to explicitly teach a dial capable of being visually dialed through rotations.

Ouellet teaches a dial capable of being visually dialed through rotations (see col. 3, lines 1-65). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide a dial capable of being visually dialed through rotations as taught by Ouellet to the interface for a browse image of Swenton-Wall in order to enhance user friendly generally intuitive interface for user with a computer system which has sufficient flexibility and capability to be used in a variety of different visually dialed through rotations display on screen.

Regarding claim 21, Swenton-Wall discloses further comprising means for increasing the speed of sequentially displaying the set of files [image illustrated with horizontal and verticle shadow bars on a left and right side...see col. 5, lines 1-23 and col. 5, lines 47-54].

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Regarding claims 22 and 23, Swenton-Wall discloses further comprising: means for modifying the set of files; and further comprising: means for sequentially viewing individual files across more than one set of files [see col. 6, lines 13-38 and figures 3A].

Claim 24 differ from claim 1 in that "a computer-readable medium having computer-executable instructions to cause a computer to perform a method comprising: linking a set of files, and coupling a dial with the set of file; the dial capable of being dialed through rotations, and wherein the set of files is sequentially displayed when the dial is dialed" which broadly read on Ouellet (see col. 4, lines 8-63).

Regarding claims 25 and 26, Swenton-Wall discloses having further computer-executable instructions wherein a dial setting further increases a speed that the files are sequentially displayed; and having further computer-executable instructions wherein the dial has a stop point where file sequencing is stopped and one file is displayed (see col. 4, lines 23-67).

Regarding claims 27 and 28, Swenton-Wall discloses having further computer-executable instructions wherein pushing the dial in will select the file; and having further computer-executable instructions wherein pushing the dial in will allow sequencing of files across more than one set of files (see col. 5, lines 25-65).

As claims 29-30 are analyzed as previously discussed with respected to claims 24-28 above.

Regarding claims 31-33, Swenton-Wall discloses wherein the set of sequentially linked files are modified to flag a file location; and wherein the computer-readable medium activates the

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dial to display files sequentially across more than one set of sequentially linked files (see col. 6, lines 1-21 and figures 3A-6A).

Regarding claim 34, Swenton-Wall discloses a networked server system comprising: means for posting a linked set of files for display; and means for sequentially displaying the content of the linked set of files via a dial capable of being dialed through rotations (see col. 8, lines 21-47).

As claims 34-41 and 43 are analyzed as previously discussed with respect to claims 1 and 24 above.

Regarding claims 44 and 60, Swenton-Wall discloses a method for presenting presentations, the method comprising: receiving an input via an interface representing a user manipulable dial capable of being dialed through rotations; and sequentially displaying at least one; presentation from a preselected set of presentations in response to the input (see col. 4, lines 23-67).

Regarding claim 45, Swenton-Wall discloses wherein the input is received by visually dialing the user manipulable dial (see figures 4-6A).

As claims 47-59 and 61-68 are analyzed as previously discussed with respect to claims 1 and 31-34 above.

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Regarding claim 69, Swenton-Wall discloses wherein the method further comprises:  
determining a dialing speed of the dialing; and sequentially displaying the at least one  
presentation in a presentation rate associated with the dialing speed (see col. 6, lines 22-67).

As claims 70-77 are analyzed as previously discussed with respect to claims 1, 31-34  
and 44 above.

***Response to Arguments***

4. Applicant's arguments filed on November 13, 2003 have been fully considered but they  
are not persuasive.

The claims invention as represented, even if amended as proposed, does not distinguish  
over the prior arts as discussed above.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's  
disclosure. (See PTO-892).

***Response***

6. Responses to this action should be mailed to: Commissioner of Patents and Trademarks,  
Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for  
formal communications or (703) 305-9724 for informal or draft communications.

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Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

*Inquires*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER  
January 22, 2004